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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,789

11/14/2003

Alastair James Buchanan

1-24912

8772

46582

7590

08/31/2007

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA - FOURTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3663

MAIL DATE


DELIVERY MODE

08/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Application Number</b> 	<b>Application/Control No.</b> 10/713,789 Jack W. Keith	<b>Applicant(s)/Patent under Reexamination</b> BUCHANAN ET AL. Art Unit 3663	
<b>Document Code - AP.PRE.DEC</b>			

## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 7/23/2007.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-23.

Claim(s) withdrawn from consideration: \_\_\_\_\_

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

**\* SEE ATTACHED SHEET**

All participants:

(1) Jack W. Keith, SPE. 

(3) Ronnie Mancho, examiner.

(2) Tom Black, SPE. 

(4) R.M.

Art Unit: 3663

1. Applicant refers to an amendment after-final to claims 6 and 11. Applicant submitted no after-final amendment.

2. Clarification of 112, 2<sup>nd</sup> regarding claim 2.

2. (Original) The apparatus of Claim 1 in which the processed estimate comprises an indicator of whether or not the target vehicle is in the same lane as the host vehicle is projected to be in when at the point of the target vehicle.

Excerpt from Final Office action dated 2/23/2007

3. In claim 2, the phrase "is projected to be in when at the point of the target vehicle" confuses the scope of the claim. The phrase is believed to be a run-on phrase that confuses the limitations of the invention.

The claim language "when at the point" is unclear. There does not appear to be antecede for the phrase "the point". Thus, leading to the confusion of the claim interpretation.

3. Applicant's arguments with regard to the 102 rejection are not persuasive. In particular applicant is arguing "the point on the projected path". Note that this feature "the point" is not claimed in independent claim 1.

  
JACK KEITH  
SUPERVISORY PATENT EXAMINER